

AMENDMENT UNDER 37 C.F.R. § 1.114(C)  
U.S. Application No. 09/841,249  
Attorney Docket No. Q64260

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1, 5, 6, 9, 13 and 21-24 have been canceled. New claims 25-39 have been added. Claims 25-39 are now pending in the application. The newly added claims are respectfully submitted to be allowable over the cited references.

**Newly Added Claims**

Claims 25-39 are newly added by this Amendment and are believed to be in condition for allowance. Claims 25-39 are allowable for their recited features, and distinguish over the cited references.

In particular, elements as recited by claims 25-39 are not taught or suggested by the cited references. The cited references fail to teach or suggest that contents encrypted by CSS are recorded in a recordable information recording medium.

As recited by claims 25, 26, 31, 34 and 37, an encryption key is encrypted based on CSS recorded in advance in an encryption key recording area of a recordable information recording medium. Exemplary embodiments of the claimed invention recite that contents are not recorded in the recordable information recording medium at the time of recording the encryption key, as recited by claim 26. As recited by claims 31 and 34, exemplary embodiments of the invention include a distributing apparatus which encrypts contents by using the same encryption key as that recorded in the recordable information recording medium, and the contents are encrypted by CSS. The distributing apparatus then distributes the encrypted contents to an information recording apparatus which records the contents in the recordable information recording medium.

In further reference to the cited references, Oshima et al. (EP 0802527; hereinafter “Oshima”) reads a disc ID from a disc and sends the disc ID to a center. The disc ID is not encrypted by CSS. Therefore, Oshima does not disclose that an encryption key is encrypted by CSS, and thus fails to teach or suggest the encryption key recording as recited in claim 25, and also fails to teach or suggest the generating device as recited in claim 31. Oshima merely achieves a copy protection for each disc, and does not teach or disclose the claimed elements.

The Examiner has stated that Bell (“The Dynamic Digital Disk”) discloses information encrypted by CSS. However, page 32, middle column, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of Bell merely describes a CS encryption system employed for reproduction-only medium (DVD-ROM), and fails to teach or suggest that CSS is employed for a recordable information recording medium. Therefore, Bell does not teach or suggest an encryption key recording area as recited in claim 25, and also fails to teach or suggest the generating device as recited in claim 31.

The Examiner has also stated that Parker (“Compatibility Counts”) discloses that encryption information is recorded in a DVD-RW which can be reproduced in a DVD-player. However, Parker only describes “compatibility” in general, and does not disclose any encryption system. Therefore, Parker does not teach or suggest that CSS is employed for a recordable information recording medium, and thus fails to teach or suggest the encryption key recording area as recited in claim 25, and also fails to teach or suggest the generating device as recited in claim 31.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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